

# ORIGINAL TRANSCRIPT

## BEFORE THE BOARD OF OIL, GAS AND MINING DEPARTMENT OF NATURAL RESOURCES STATE OF UTAH

IN THE MATTER OF THE  
PETITION BY THE DIVISION  
OF OIL, GAS AND MINING FOR  
AN ORDER DIRECTING THE  
ATTORNEY GENERAL TO RECOVER  
CIVIL PENALTIES, WITHDRAWING  
THE NOTICES OF INTENTION,  
AND REQUIRING IMMEDIATE  
RECLAMATION OR FORFEITING  
SURETIES FOR THE APEX/BURGIN  
MINE (M/049/009), TRIXIE  
SHAFT MINE AREA (M/049/024),  
AND THE TRIXIE WEST  
EXPLORATION AREA (E/049/046);  
THE CHIEF CONSOLIDATED MINING  
CO. D/B/A CHIEF GOLD MINE,  
SOUTH STANDARD MINING COMPANY,  
AND TINTIC UTAH METALS, LLC;  
IN SECTIONS 11, 15, 21, 22  
AND 28, TOWNSHIP 10 SOUTH,  
RANGE 2 WEST, SLB&M, UTAH  
COUNTY, UTAH.

Docket No. 2005-013

Cause Nos. M/049/009,  
M/049/024, E/049/046

## BEFORE THE BOARD OF OIL, GAS AND MINING DOCKET NUMBER 2005-013

TAKEN AT: Department of Natural Resources  
1594 West North Temple, Room 1050  
Salt Lake City, Utah

DATE: August 24, 2005

TIME: 10:39 a.m.

REPORTED BY: Kerry J. Sorensen, CSR/R



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SEP 08 2005

SECRETARY, BOARD OF  
OIL, GAS & MINING

APPEARANCES

BOARD OF OIL, GAS AND MINING:

J. James Peacock, Chair

Jean Semborski

Kent R. Petersen

Samuel C. Quigley

Robert J. Bayer

Douglas E. Johnson (excused)

Jake Y. Harouny

DIVISION OF OIL, GAS AND MINING:

John R. Baza, Director

Mary Ann Wright, Associate Director, Mining

Gil Hunt, Associate Director, Oil and Gas

Ronald W. Daniels, Environmental Program Manager

Vickie Southwick, Executive Secretary

Diane Holland, Legal Secretary

ASSISTANT ATTORNEYS GENERAL:

Steven F. Alder - Division Attorney

Alison D. Garner - Division Attorney

Michael S. Johnson - Board Attorney

Stephen G. Schwendiman - Board Attorney (excused)



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Before the Board of Oil, Gas and Mining

August 24, 2005

PROCEEDINGS

THE CHAIRMAN: Agenda Item Number 2,  
Docket Number 2005-013, Cause Numbers M/049/024,  
E/049/046, in the matter of the petition by the  
Division of Oil, Gas & Mining for an order  
directing the Attorney General to recover civil  
penalties--am I on the right one?

MR. PETERSEN: Uh-huh, yeah.

THE CHAIRMAN: To recover civil  
penalties, withdrawing the Notices of Intention,  
and requiring immediate reclamation or forfeiting  
sureties for the Apex/Burgin Mine (M/049/009),  
Trixie Shaft Mine Area (M/049/024), and the Trixie  
West Exploration Area, (E/049/046); the Chief  
Consolidated Mining Company, doing business as  
Chief Gold Mine, South Standard Mining Company,  
and Tintic Utah Metals, LLC, in Sections 11, 15,  
21, 22, and 26 (sic), Township 10 South, Range 2  
West, Salt Lake Basin Meridian, Utah County, Utah.  
The stipulation is for continuance and a dismissal  
of notice of agency action.

MR. PETERSEN: That wasn't Section 26.

THE CHAIRMAN: Did I say that?



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1 MR. PETERSEN: Yeah, 26.

2 THE CHAIRMAN: Twenty-eight is the  
3 correct section number, Mr. Reporter, in case I  
4 missed that one.

5 This is a request for continuance and  
6 for dismissal of notice of agency action.

7 Mr. Alder.

8 MR. ALDER: Thank you, Mr. Chairman.

9 This matter was--it's a mining--a  
10 longstanding mine in the Eureka District that  
11 probably most of the Board members are familiar  
12 with. There has been a period of inactivity,  
13 partly brought on by some EPA superfund activities  
14 that brought everything to a standstill. We--the  
15 Division tried to communicate, and, and they just  
16 didn't have any local operators at all at the  
17 site. They had failed to pay their permit fees  
18 for a couple of years, they failed to file  
19 reports, and just have been totally unresponsive  
20 to our concerns about the bond. None of those  
21 problems were--they were resolvable, but there was  
22 no communication.

23 So this matter was filed, and after it  
24 was filed, the company did respond, through an  
25 officer in Pennsylvania, and they have--and we've



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1 reached a stipulation which has been provided to  
2 the Board. The stipulation takes care of the  
3 past due fees. There are some penalties that are  
4 being held in abeyance. The stipulation provides  
5 for an opportunity for the, the mining company to  
6 make some changes in the bonding that we had  
7 requested, and then by December they will also  
8 have increased the bonding on a couple of areas.

9 So the stipulation before you is that  
10 this matter be continued until September, and in  
11 the interim there'll be these steps that will be  
12 taken, and we will report to you at the December  
13 7th Board hearing whether everything that's in the  
14 stipulation has been complied with.

15 At that point, we have not asked that  
16 the matter be dismissed but that the hearing  
17 continue to another date. The reason for that is  
18 that if they proceed to mine further, they're  
19 going to need to adjust the bonding, they're going  
20 to need to adjust the mining plans, and rather  
21 than refiling anything, we thought it would be  
22 best to keep the matter on your docket so that we  
23 know that if they go forward we'll have the  
24 bonding that we need in place.

25 So that's a lot of background



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1 information in a general way, but, but we're  
2 asking only that you agree to the joint motion by  
3 both parties that this matter be continued,  
4 pursuant to the stipulation, until December 7th.

5 THE CHAIRMAN: Now, initially I thought  
6 you said September. Is this to December?

7 MR. ALDER: December 7th.

8 THE CHAIRMAN: So the continuance is a  
9 request to continue until December the 7th  
10 meeting?

11 MR. ALDER: Right. There are interim  
12 dates. These--in September, there is a date to  
13 adjust the bonding form, and there's other interim  
14 dates, but the hearing would be continued until  
15 December, so--

16 THE CHAIRMAN: Anyone in the audience  
17 here on this matter?

18 Board members, questions to Mr. Alder  
19 or comments on this matter?

20 MR. BAYER: Yeah, I've got a couple of  
21 questions, Mr. Alder.

22 MR. ALDER: Yes, sir.

23 MR. BAYER: I was involved in the--on  
24 behalf of a former client in the superfund issue  
25 down in Eureka at the same time. Unless the



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1 limits of that superfund site has been changed  
2 dramatically, I doubt that the fact that the EPA  
3 superfund site is active down there has any--can  
4 have much of a meaningful effect on the Chief's  
5 operations. If that's being used, I--like I said,  
6 I, I don't buy it, and I would just advise to  
7 check that out.

8 Second of all, I just want to confirm  
9 with Ms. Wright if they're aware of a shaft  
10 collapsed down there some years ago and that  
11 that's the reason that they're--that the Chief  
12 shut down. At the time it was, "Oh, my goodness,  
13 I don't think we could open up again." So--

14 MR. ALDER: We've had extensive  
15 discussions with--we met with the EPA and got a  
16 copy of the consent decree that was signed.  
17 There is a big question as to whether or not they  
18 can make the payments required under that consent  
19 decree, but--and continue--or resume operations,  
20 but that's their desire. They say they think  
21 they can. They explained to us that the shaft  
22 collapsed and that together with the EPA was--and,  
23 also, I guess the main operator would--or the  
24 chief officer left and, and it's sort of a lot of  
25 things came together. They believe they can make



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1 it operational. We certainly don't want to  
2 discourage them if they can provide the bonding  
3 necessary.

4 MR. BAYER: I understand. So it's the,  
5 it's the financial responsibility that they incur.  
6 I mean the EPA [indecipherable] that was creating  
7 those [indecipherable] is the problem that the  
8 superfund action has caused.

9 MR. ALDER: Actually, it's more to just  
10 the fact that this mine has been operated--it's  
11 one of the oldest mines in the state, and it's  
12 been financed by investors, and they felt they  
13 needed some additional investor financing, and  
14 that with the EPA superfund designation and the  
15 potential liability in an undetermined amount  
16 hanging over them--the mine, they couldn't get  
17 anybody to invest. So once they got that settled  
18 in January I think of this year, they felt like  
19 now they had a fixed amount, they have a window  
20 of potential profit, and they think they can get  
21 people to invest. So that's, that's their  
22 proposal.

23 MR. BAYER: Okay. Thank you. Very  
24 much. I appreciate it.

25 THE CHAIRMAN: Do you have any concern



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1 with the request as for a continuance until  
2 December?

3 MR. BAYER: No. I think that the  
4 Division, the Division counsel's reason sounds  
5 right on the money.

6 THE CHAIRMAN: Anyone else with  
7 comments? The request, then, is for the  
8 continuance of this matter to be heard again on  
9 the meeting on the 7th of December, and that is  
10 the--that is--we probably need to have that in the  
11 form of a motion.

12 Mr. Petersen?

13 MR. PETERSEN: Oh, okay. Mr. Chairman,  
14 I move that we grant the request for a  
15 continuance until the December meeting on this  
16 matter. And I won't read all those details of  
17 the--

18 MR. ALDER: I guess the record should  
19 indicate that there was a proposed order, and I  
20 think the Chairman may have taken some action with  
21 it being confirmed by the Board. Is that right?

22 THE CHAIRMAN: Second?

23 MR. BAYER: I'll second.

24 THE CHAIRMAN: Any discussion to the  
25 motion to continue this matter until December the



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1 7th meeting?

2 Those in favor say, "aye."

3 Any opposed, "nay."

4 (Docket Number 2005-818, Cause Nos. M/049/009,  
5 M/049/024, and E/049/046 was concluded at 10:50  
6 a.m.)

7 THE CHAIRMAN: I think that that is all  
8 of the Board's formal agenda.

9 I would like to take a personal moment.  
10 We just learned that Mr. Steve Schwendiman's  
11 father passed away within the last--was it  
12 yesterday--very recently. And on behalf of the  
13 Board, we would like the record to show that we  
14 extend our condolences to Mr. Schwendiman and to  
15 his family in the passing of his father. And I  
16 presume the Board all concurs with that--

17 MR. PETERSEN: We do.

18 THE CHAIRMAN: --without the necessity  
19 of taking--

20 Are there any other items of business  
21 that need to be brought forward in this scheduled  
22 meeting today?

23 We are going to go into the--room 1010  
24 for a session of training that the Board has  
25 properly scheduled, and we will have that between



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1 now and about noon time, and then during the  
2 lunch break for the Board, we are going to  
3 continue talking about an issue about aggregate  
4 and the definition and the bright line between  
5 gravel and, and aggregate. So with that we will  
6 adjourn this formal portion of the meeting and  
7 thank all of you.

8 (The hearing was concluded at 10:50 a.m.)  
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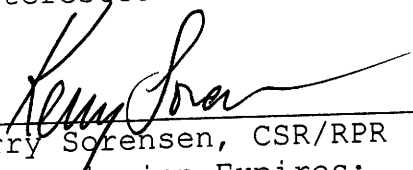
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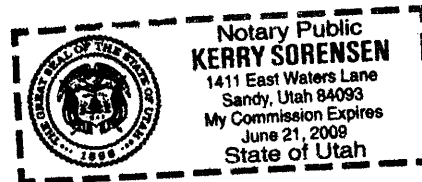
**CERTIFICATE**

This is to certify that the foregoing proceedings was taken before me, KERRY SORENSEN, a Registered Professional Reporter and Notary Public in and for the State of Utah;

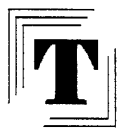
That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting, and that a full, true and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

  
Kerry Sorensen, CSR/RPR  
My Commission Expires:  
June 21, 2009



<p><b>A</b></p> <p>abeyance 5:4 action 3:23 4:6 8:8 9:20 active 7:3 activities 4:13 additional 8:13 adjourn 11:6 adjust 5:19,20 6:13 advise 7:6 agency 3:23 4:6 agenda 3:4 10:8 aggregate 11:3,5 ago 7:10 agree 6:2 Alder 2:21 4:7,8 6:7 6:11,18,21,22 7:14 8:9 9:18 Alison 2:22 amount 8:15,19 Ann 2:14 anybody 8:17 Apex/Burgin 1:7 3:14 <b>APPEARANCES</b> 2:1 appreciate 8:24 Area 1:8,9 3:15,16 areas 5:8 asked 5:15 asking 6:2 ASSISTANT 2:20 Associate 2:14,15 Attorney 1:5 2:21 2:22,23,24 3:8 ATTORNEYS 2:20 audience 6:16 August 1:19 3:2 aware 7:9 aye 10:2 a.m 1:20 10:6 11:8</p>	<p>2:24 3:1 4:11 5:2 5:13 6:18 9:21 10:13,16,24 11:2 <b>Board's</b> 10:8 bond 4:20 bonding 5:6,8,19,24 6:13 8:2 break 11:2 bright 11:4 brought 4:13,14 10:21 business 3:17 10:20 buy 7:6</p>	<p><b>Consolidated</b> 1:10 3:17 continuance 3:22 4:5 6:8 9:1,8,15 continue 5:17 6:9 7:19 9:25 11:3 continued 5:10 6:3 6:14 copy 7:16 correct 4:3 counsel's 9:4 County 1:13 3:21 couple 4:18 5:8 6:20 creating 8:6 CSR/RPR 1:22</p>	<p><b>E</b> 2:9 effect 7:4 <b>Environmental</b> 2:16 EPA 4:13 7:2,15,22 8:6,14 Eureka 4:10 6:25 excused 2:9,24 Executive 2:17 explained 7:21 Exploration 1:9 3:16 extend 10:14 extensive 7:14 E/049/046 1:7,9 3:6 3:16 10:5</p>	<p>grant 9:14 gravel 11:5 guess 7:23 9:18</p>
<p><b>B</b></p> <p>background 5:25 Basin 3:21 Bayer 2:8 6:20,23 8:4,23 9:3,23 Baza 2:13 behalf 6:24 10:12 believe 7:25 best 5:22 big 7:17 Board 1:1,15 2:3,23</p>	<p><b>C</b></p> <p>C 2:7 care 5:2 case 4:3 Cause 1:7 3:5 10:4 caused 8:8 certainly 8:1 Chair 2:4 Chairman 3:4,11 3:25 4:2,8 6:5,8 6:16 8:25 9:6,13 9:20,22,24 10:7 10:18 changed 7:1 changes 5:6 check 7:7 chief 1:10,10 3:16 3:18 7:11,24 Chief's 7:4 City 1:18 civil 1:5 3:8,11 client 6:24 collapsed 7:10,22 comments 6:19 9:7 communicate 4:15 communication 4:22 company 1:11 3:17 3:18 4:24 5:5 complied 5:14 concern 8:25 concerns 4:20 concluded 10:5 11:8 concurs 10:16 condolences 10:14 confirm 7:8 confirmed 9:21 consent 7:16,18</p>	<p><b>D</b></p> <p>D 2:22 Daniels 2:16 date 1:19 5:17 6:12 dates 6:12,14 December 5:7,12 6:4,6,7,9,15 9:2,9 9:15,25 decree 7:16,19 definition 11:4 Department 1:1,17 designation 8:14 desire 7:20 details 9:16 Diane 2:18 directing 1:4 3:8 Director 2:13,14,15 discourage 8:2 discussion 9:24 discussions 7:15 dismissal 3:22 4:6 dismissed 5:16 District 4:10 Division 1:3 2:12,21 2:22 3:7 4:15 9:4 9:4 docket 1:4,15 3:5 5:22 10:4 doing 3:17 doubt 7:2 Douglas 2:9 dramatically 7:2 due 5:3 D/B/A 1:10</p>	<p><b>F</b></p> <p>F 2:21 fact 7:2 8:10 failed 4:17,18 familiar 4:11 family 10:15 father 10:11,15 favor 10:2 fees 4:17 5:3 felt 8:12,18 file 4:18 filed 4:23,24 financed 8:12 financial 8:5 financing 8:13 fixed 8:19 forfeiting 1:7 3:13 form 6:13 9:11 formal 10:8 11:6 former 6:24 forward 5:23 10:21 further 5:18</p>	<p><b>H</b></p> <p>hanging 8:16 Harouny 2:10 heard 9:8 hearing 5:13,16 6:14 11:8 held 5:4 Holland 2:18 Hunt 2:15</p>
		<p><b>E</b></p>	<p><b>G</b></p> <p>G 2:24 Garner 2:22 Gas 1:1,4,15 2:3,12 2:15 3:1,7 general 1:5 2:20 3:8 6:1 Gil 2:15 go 5:23 10:23 going 5:19,19 10:23 11:2 Gold 1:10 3:18 goodness 7:12</p>	<p><b>I</b></p> <p>immediate 1:6 3:13 inactivity 4:12 increased 5:8 incur 8:5 indecipherable 8:6 8:7 indicate 9:19 information 6:1 initially 6:5 Intention 1:6 3:12 interim 5:11 6:11 6:13 invest 8:17,21 investor 8:13 investors 8:12 involved 6:23 issue 6:24 11:3 Item 3:4 items 10:20</p>
				<p><b>J</b></p> <p>J 1:22 2:4,8 Jake 2:10 James 2:4 January 8:18 Jean 2:5 John 2:13 Johnson 2:9,23 joint 6:2</p>
				<p><b>K</b></p> <p>keep 5:22 Kent 2:6 Kerry 1:22 know 5:23</p>
				<p><b>L</b></p> <p>Lake 1:18 3:21</p>



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